

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Dwayne Harris,

Plaintiff,

v.

Case NO. 2:13-cv-304

Carl Nink, et al.,

Defendants.

ORDER

This matter is before the court for consideration of the report and recommendation of the magistrate judge filed on October 8, 2013. The magistrate judge recommended that the instant case be dismissed for failure to prosecute, noting that plaintiff had failed to pay the full \$350 filing fee within thirty days as directed in this court's order of September 5, 2013. See Doc. 11.

The report and recommendation specifically advised the parties that the failure to object to the report and recommendation within fourteen days "will result in a waiver of the right to *de novo* review by the District Judge and of the right to appeal the decision of the District Court adopting the *Report and Recommendation*." Doc. 13, pp. 1-2. The time period for filing objections to the report and recommendation has expired, and no objections have been filed. Therefore, the court adopts the report and recommendation (Doc. 13). This case is hereby dismissed for failure to prosecute.

Date: October 31, 2013

s/James L. Graham  
James L. Graham  
United States District Judge